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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/729,467	12/06/2003	Tariq M. Malik	920036-94963	1256

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EXAMINER	
RUDDOCK, ULA CORINNA	
ART UNIT	**PAPER NUMBER**
1771	

DATE MAILED: 12/21/2005

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary	Application No.	Applicant(s)	
	10/729,467	MALIK ET AL.	
	Examiner	Art Unit	
	Ula C. Ruddock	1771	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

1)☐ Responsive to communication(s) filed on *22 September 2005*.

2a)☐ This action is **FINAL**. 2b)☒ This action is non-final.

3)☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

4)☒ Claim(s) *1-15* is/are pending in the application.

4a) Of the above claim(s) _____ is/are withdrawn from consideration.

5)☐ Claim(s) _____ is/are allowed.

6)☒ Claim(s) *1-15* is/are rejected.

7)☐ Claim(s) _____ is/are objected to.

8)☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

9)☐ The specification is objected to by the Examiner.

10)☐ The drawing(s) filed on _____ is/are: a)☐ accepted or b)☐ objected to by the Examiner.

Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).

Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).

11)☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

12)☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).

a)☐ All b)☐ Some * c)☐ None of:

1.☐ Certified copies of the priority documents have been received.

2.☐ Certified copies of the priority documents have been received in Application No. _____.

3.☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

1) ☒ Notice of References Cited (PTO-892)
2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
3) ☐ Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08) Paper No(s)/Mail Date _____.
4) ☐ Interview Summary (PTO-413) Paper No(s)/Mail Date. _____ .
5) ☐ Notice of Informal Patent Application (PTO-152)
6) ☐ Other: _____.

DETAILED ACTION

1. The Examiner has carefully considered Applicant's response filed September 22, 2005. In view of Applicant's 1.131 affidavit which shows Applicant's dates of conception and reduction to practice to be earlier than the priority dates of Cohen et al. (US 2004,0161615) and Hageman (US 2004/0261347), these rejections have been overcome. However, after an updated search, additional prior art has been found which renders the invention as currently claimed unpatentable for reasons herein below.

Response to Amendment

2. The affidavit filed on September 22, 2005, under 37 CFR 1.131 is sufficient to overcome the Cohen et al. (US 2004,0161615) and Hageman (US 2004/0261347) references.

Claim Rejections - 35 USC § 103

3. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

> (a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negatived by the manner in which the invention was made.

4. Claims 1-5, 8, 9, and 14 are rejected under 35 U.S.C. 103(a) as being unpatentable over Colarusso et al. (US 4,585,682) in view of Hausofer et al. (US 4,601,943) and GB 1,215,137 (GB '137). Colarusso et al. (US 4,585,682) disclose roofing membranes comprising a polymer film bonded to a foil layer and a thermoplastic adhesive positioned between and adhering the film to the foil (col 4, ln 6-21). The polymer film is preferably a polyester, specifically polyethylene terephthalate (col 5, ln 39-40). The thermoplastic adhesive can be ethylene copolymers (col 6, ln

20-23). The foil layer is preferably an aluminum foil (col 7, ln 26-28). A second adhesive layer is used on the opposite side of the foil layer and can comprise a bituminous adhesive comprising polyethylene (col 7, ln 37-55). Colarusso et al. disclose the claimed invention except for the teaching that the aluminum foil layer is bonded to another polymer layer and that the entire core is laminated to an asphalt impregnated fabric sheet.

Hausofer (US 4,601,903) disclose a fire proofing web that is laid on roof surfaces (abstract). The web is useful as a vapor barrier. The barrier includes an aluminum foil laminated between two plastic foils. A fleece layer is applied to one of the plastic foil as a lining thereon (abstract). The plastic foil provided on the underside of the aluminum foil as a lining layer thereon comprises polyester (col 2, ln 45-47).

GB '137 discloses a thermally insulating material useful for insulating roofs (pg 1, ln 12-14). The material comprises an aluminum film bonded to a foamed thermoplastic material on one side and a layer of flexible water-impervious material on the other side (pg 1, ln 56-62). The layer of water impervious material may be a felt that is impregnated with bitumen (page 2, ln 3-6).

It would have been obvious to one having ordinary skill in the art to have used Hausofer's polyester layer on the other side of the aluminum foil of the roofing membrane of Colarusso, motivated by the desire to create a roofing membrane that has enhanced vapor barrier properties and strength. It also would have been obvious to have bonded the bitumen impregnated felt of GB '137 to the roofing membrane of Colarusso, motivated by the desire to create a roofing membrane that has increased water-proofing properties.

5. Claims 6 and 7 are rejected under 35 U.S.C. 103(a) as being unpatentable over Colarusso et al. (US 4,585,682), Hausofer et al. (US 4,601,943), and GB 1,215,137 (GB '137), as applied to claim 1 above, and further in view of Grzybowski et al. (US 5,004,272). Colarusso et al, Hausofer et al., and GB '137 disclose the claimed invention except for the teaching that the other fabric layer comprises a asphalt impregnated fiberglass scrim.

Grzybowski et al. (US 5,004,272) disclose roofing a membrane comprising reinforcing fabrics of fiberglass mesh coated with bitumen (col 5, ln 22-36). It would have been obvious to one having ordinary skill in the art to have bonded Grzybowski's bitumen coated fiberglass mesh to the roofing membrane of Colarusso et al, Hausofer et al., and GB '137, motivated by the desire to create a roofing membrane that has increased strength, yet remains lightweight.

6. Claims 10-13 and 15 are rejected under 35 U.S.C. 103(a) as being unpatentable over Colarusso et al. (US 4,585,682), Hausofer et al. (US 4,601,943), and GB 1,215,137 (GB '137), as applied to claim 1 above, and further in view of Lynn et al. (US 6,093,481) . Colarusso et al, Hausofer et al., and GB '137 disclose the claimed invention except for the teaching that the membrane is treated with an adhesion promoter comprising either an acrylic coating or a corona surface treatment.

Lynn et al. (US 6,093,481) disclose insulating sheathing materials with three-ply facers. The facer material comprises polyethylene terephthalate film (col 5, ln 20), aluminum foil metallic sheets (col 5, ln 25) and a fibrous sheet material (col 5, ln 27). The fibers may be a glass fiber sheet (col 4, ln 58-63). The attachment of the facing sheets may be facilitated by adhesion promoters or any fastening material. The adhesive may be an acrylic polymer (col 4, ln 9-22) and

one or both sides of the polymeric material may be corona treated for enhanced adhesion (col 4, ln 44-45).

It would have been obvious to one having ordinary skill in the art to have used the acrylic adhesive and corona treatment disclosed in Lynn, on the roofing membrane of Colarusso et al, Hausofer et al., and GB '137, motivated by the desire to create a roofing material that has strong lamination strength.

Response to Arguments

7. Applicant's arguments with respect to claims 1-15 have been considered but are moot in view of the new ground(s) of rejection.

Conclusion

8. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Ula C. Ruddock whose telephone number is 571-272-1481. The examiner can normally be reached on Monday-Thursday.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Terrel H. Morris can be reached on 571-272-1478. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see http://pair-direct.uspto.gov. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

UCR ucr

Ula Ruddock
Ula C. Ruddock
Primary Examiner
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